

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES PATRICK LESLEY, JR.,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-19-0616-HE
)	
THE STATE OF OKLAHOMA,)	
)	
Respondent.)	

ORDER

James Patrick Lesley, Jr., filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 after the Oklahoma Pardon and Parole Board declined to recommend him for parole. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. Judge Jones has issued a Report and Recommendation recommending that the petition be construed as arising under § 2241 and dismissed.

Petitioner has failed to object to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010). Being in substantial agreement, the court **ADOPTS** the Report and Recommendation [Doc. # 8]. Petitioner's action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 13th day of September, 2019.



JOE HEATON
UNITED STATES DISTRICT JUDGE